

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00002

ODESSA ASHLEY DINGESS

PROBATION REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

This date the United States of America appeared by Steven R. Ruby, Assistant United States Attorney, and the defendant, Odessa Ashley Dingess, appeared in person and by her counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on probation and amendment thereto submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a three-year term of probation in this action on July 26, 2010, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on July 29, 2010.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of probation in the following respects: (1) that the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by her on May 4, 2012, for cocaine, the defendant having admitted to the probation officer on May 18, 2012, that she nasally ingested cocaine and hydrocodone prior to the screen; the defendant's admission to the probation officer on June 8, 2012, that she had used hydrocodone on May 31, 2012, without a prescription; the defendant's admission to the probation officer on March 20, 2012, that she had smoked marijuana and used five one-milligram tablets of Xanax on March 15 and 16, 2013; a positive urine specimen submitted by her on March 21, 2013, for benzodiazepine, the defendant having admitted on that date to the probation officer that she had illegally purchased strips and pills of Suboxone which she had used every couple of days since May 2012; a positive urine specimen submitted by her on April 30, 2013, for marijuana, the defendant having admitted to the probation officer on May 6, 2013, that she had smoked two blunts of marijuana on May 4, 2013; the defendant's admission to the

probation officer on May 6, 2013, that she had taken Xanax tablets and Suboxone without a prescription; a positive urine specimen submitted by her on May 7, 2013, for benzodiazepines and marijuana; a positive urine specimen submitted by her on May 16, 2013, for marijuana; and the defendant's admission to the probation officer on July 29, 2013, that she had intravenously used heroin in July 20 and 21, 2013; and (2) that the defendant failed to appear for urine screens as directed on April 26, May 31, June 29 and September 27, 2012, and February 4, March 18 and 25, April 3 and 15, and June 3, 2013; all as admitted by the defendant on the record of the hearing and as set forth in the petition on probation.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of probation and, further, that it would unduly depreciate the seriousness of the violations if probation were not revoked, it is ORDERED that the probation previously imposed upon the defendant in this action be, and it hereby is, revoked.


And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if she is confined, it is accordingly ORDERED that the defendant be, and she hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOUR (4) MONTHS, to be followed by a term of three (3) years of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that she spend a period of SIX (6) MONTHS in a community confinement center, preferably SECOR in Lebanon, Virginia, and follow the rules and regulations of the facility and participate in drug abuse counseling and treatment as directed by the facility and the probation officer.

The defendant shall surrender for service of the sentence to the institution designated by the Bureau of Prisons by 2:00 p.m. on September 6, 2013.

After hearing the parties respecting bond, the court ORDERED that defendant may remain on her previously executed bond while awaiting designation for service of her sentence.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 2, 2013

  
John T. Copenhaver, Jr.  
United States District Judge